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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/316,040	05/21/1999	PHILIP W GILLIS	2925-0224/G1	7281
30594	7590	11/05/2003	EXAMINER	
HARNES, DICKEY & PIERCE, P.L.C.			DAS, CHAMELI	
P.O. BOX 8910			ART UNIT	PAPER NUMBER
RESTON, VA 20195			2122	21

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/316,040

Applicant(s)

GILLIS, PHILIP W

Examiner

C.DAS

Art Unit

2122

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 22 October 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-65.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Applicant's arguments filed on 7/16/03 have been fully considered but they do not persuade.

The applicant has argued in substance that there is no existing motivation to combine the teachings of the Linnett patent with the Tidwell patent.

As noted in the previous final office action (paper # 16), page 15, Examiner repeatedly stated that Tidwell patent discloses a method of creating a wizard and an interaction between the wizard and the user (Tidwell, col 3 lines 20-65, col 2 lines 25-27 and col 2 lines 49-55) and Linnett patent discloses a method of using a wizard to interface between a user and an application program (Linnett, col 3 lines 6-12). Further, Tidwell discloses the input from the user and produces the output (col 4 lines 26-33), where "name" is the input from the user and "chocolate", "vanilla" and "strawberry" are the output. Linnett specifically discloses storing the input process and output is based upon the input selection. Since Linnett patent discloses a method of using a wizard to interface between a user and an application, the Examiner believes that the motivation existed and was established in the Linnett patent. (See the Response of argument 2 in the final office action).

The Examiner believes that Batch and Sonnereich patents overcome the deficiencies of Tidwell patent in view of the Linnett patent for the claims 3, 18, 23-25, 35, 38, 44-47, 49, 58, 60 and 62.

Chamhi C. Don
Primary Patent Examiner
A. Unit: 2122
11/3/03